

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GEOFFREY ROBERT LAWSON SR.,

Petitioner,

v.

JAMES KEY,

Respondent.

CASE NO. 3:18-cv-05998-RSL-BAT

ORDER OF DISMISSAL

Having reviewed the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, any objections or responses to that,¹ and the remaining record, the Court finds and ORDERS:

(1) The Court ADOPTS the Report and Recommendation as to all sections except: the underlying offenses at page 1, lines 15–16, which should exclude the reference to “Unlawful Possession of a Controlled Substance”; the date when the Washington Supreme Court denied

¹ In petitioner’s objections, petitioner newly claims that the Department of Corrections prevented him from filing a timely habeas petition. Dkt. # 46 at 6–8. The petitioner had the opportunity to raise the existence of circumstances warranting equitable tolling in a reply to the government’s response to his petition filed approximately two years ago, Dkt. # 17, and yet he did not do so, despite numerous extensions. Therefore, the Court upholds the magistrate judge’s determinations and declines to exercise its discretion to allow the record to be supplemented. See United States v. Howell, 231 F.3d 615, 621–23 (9th Cir. 2000).

1 petitioner's motion to modify the Commissioner's ruling, listed at page 5, line 6, which should
2 read "February 7, 2018," not "February 18, 2018"; and the date when the statute of limitations
3 expired, listed at page 5, lines 9–10, which should read "February 13, 2018," not "February 24,
4 2018."

5 (2) The case is dismissed with prejudice and issuance of a certificate of appealability
6 is denied.

7 (3) The Clerk shall provide copies of this Order to the parties.

8 Dated this 17th day of February 2021.

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10 ROBERT S. LASNIK
11 United States District Judge
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